

**OPS Public Meeting - San Antonio, TX - January 22, 2003**  
**(Questions Submitted During Meeting)**

Issue	Question / Comment	
OO Rule	<i>Change Rule</i>	<i>Do Not Change Rule</i>
	<ol style="list-style-type: none"> <li>1) The regulation needs to be revisited and amended (or) revise the protocols to reflect the regulation. My official vote is to ultimately revisit <u>and</u> amend the regulation because I am concerned that the protocols in their final form will not adequately reflect the regulation, but will interpret and expand.</li> <li>2) I would like to see the OQ Rule revised, adding more prescriptive guidelines for clarification.</li> <li>3) The original Rule allowed qualification by written exam, even though this Rule is performance based. Written exams were developed and utilized as sole methods by many companies. If changes are made in the determination, then the FR should be modified to make clear this issue (Rob Bertrand, CITGO).</li> <li>4) I vote for revisiting the OQ Rule; this will accomplish all questions by setting minimum requirements!!!</li> <li>5) The Rule should be more prescriptive in some areas and should <u>not</u> extend beyond its original intent.</li> <li>6) Please revisit the OQ Rule. Unless it's a requirement, I won't be able to convince upper management to support/fund an "evolving" OQ program. I won't get field cooperation either, unless requirements are spelled out and I can explain it to them in those terms.</li> <li>7) Thank you for holding this public meeting. Although the protocols would likely yield a workable solution, the protocols can change and the target moved too easily &amp; without the obligation of due process. Revisit the rule. (Paul Becker, TW Phillips Gas &amp; Oil Co., PA)</li> <li>8) Vote: revise the Rule to add significant changes on operator qualification.</li> <li>9) With the uncertainty of protocols and the concern of adding to the Rule through interpretation of the "spirit of the Rule," I would (at this point) favor re-writing the entire Rule. This should allow input from all stakeholders, utilize the work done on the OQ Rule, and allow for normal statutory considerations (public comment, budgetary considerations, etc.).</li> <li>10) If the Rule is not changed, the guidance/protocols that more clearly define what the Rule requires must be referenced in some manner so that as new people enter into this field, they have some way of knowing that they exist and how to obtain them.</li> <li>11) There are many instances of modification of the regulation foreseen in the discussions today. That indicates a definite need for a formal rule revision – make it say what is intended, please?</li> <li>12) The Rule does not need to be thrown out and started over; however, there does need to be an amendment to the Rule by code so as to provide a better structure for regulatory and industry direction, reference, and guidance.</li> <li>13) Re-open the rulemaking.</li> <li>14) Revisit the Rule.</li> <li>15) Revisit the OQ Rule. We feel that we have complied with 192.800's. Making law without making law (protocols) is bad business and hard to sell to management.</li> <li>16) Revisit the Rule; replace OQ with operator certification rule (similar to CDL license, using same tasks and protocols).</li> <li>17) Readdress by amendment.</li> <li>18) Subsequent to the meeting, the Rule should be re-written to clearly prescribe the requirements with public comment in the FR.</li> <li>19) I support the movement to re-write the OQ Regulation to meet the requirements of a performance rule. This will ensure prescriptive requirements to be spelled out for industry to meet minimum requirements.</li> <li>20) If protocols used to evaluate an operator's program result in expectations that go beyond what the Rule currently requires (with <u>full consideration of the Preamble EXPLANATIONS OF Rule intent</u>), a new rulemaking needs to happen before these expectations are entered. Particular examples: Definition of "performed on a pipeline facility;" inclusion of "emergency response;" specificity in "documentation" requirements (documentation is OK, but don't say how it must specifically be documented; definition of "AOC."</li> <li>21) We should either re-write the Rule or let industry help write the protocols. GET CYCLA OUT OF THE PICTURE!! The problem is not "having protocols," but the ones we have now, as in the Integrity Management auditing process, are too expansive and beyond the regulation(s). They are too expansive because they ask for documentation of thinking processes. In the long run, the spirit of both of these regulations can be implemented without having to justify the thinking process.</li> <li>22) I do think we should revisit the Rule; we need a clear target. Are there any strategies in place to encourage consistency with operator requirements (numbering systems, task descriptions, etc.)?</li> <li>23) OPS needs to revisit the OQ Rule and make it clear to all who are involved!</li> <li>24) In an effort to clarify the OQ Rule, the OPS should consider revising the Rule and <u>clearly</u> state their expectations.</li> <li>25) The Rule needs to be revised.</li> <li>26) The Rule has to be re-done! (Sam Watts)</li> <li>27) I think the Rule needs to be re-written. It has been expanded through FAQs without due process.</li> <li>28) The Rule has to be re-done!</li> <li>29) We should revisit the rule. Concerns are standard benchmarks and inspection uniformity.</li> <li>30) Change Rule.</li> <li>31) Changing the Rule will support development of standards (large pipeline operator).</li> </ol>	<ol style="list-style-type: none"> <li>1) Do not change the Rule (California)</li> <li>2) Our company does <u>not</u> see any need to re-write the OQ Rule. However, our company can support amendments that lend structure to the anticipated negotiations regarding inspector protocols. Balance is clearly needed with the proper input from those who are impacted by the change - [industry] regulators.</li> <li>3) The OQ Rule does not need to be revisited. It could very effectively achieve the objective of improving safety and the quality of the pipeline operation workforce. OPS needs to continue to solicit industry's input and feedback on development of protocols and standards through public meetings and through notices of comments (i.e., solicit comments in the FR).</li> <li>4) The OQ Rule should <u>not</u> be changed; <u>but</u> OPS needs to get industry input and consensus on protocols.</li> <li>5) I see no need to re-write the OQ Rule. However, I can support amtds. that lend structure to the anticipated negotiations regarding inspection protocols.</li> <li>6) My company would prefer to work through the issues to help establish protocols and criteria and <u>not</u> go into rulemaking.</li> <li>7) I am <u>not</u> in favor of abandoning the existing OQ Rule and starting over.</li> <li>8) National Fuel Gas sees the current OQ regulation as an excellent <u>basis</u> for assuring the competency of those performing covered task work. We <u>do</u> <u>not</u> support the idea of a new rulemaking process, but support the concepts presented at this workshop.</li> <li>9) There is no need to re-write the Rule. Negotiation on the standard is needed so both industry, public, and regulators can be assured qualified people are in the workforce.</li> <li>10) Do not re-visit the Rule.</li> <li>11) It took 12 years to reach this point. Don't re-write the Rule. Push for standards that can be adopted.</li> <li>12) Do not change the regulation on OQ.</li> <li>13) I believe the Rule is OK, but we need to develop minimum requirements (benchmarks). This would give us a target keeping the target stable. My goal and my company's goal is to do the right thing for the public and our employees, again, with established minimums.</li> </ol>

	<p>32) Change the Rule (pipeline operator).</p> <p>33) We believe the protocols expand the scope of the Rule. The proposed path forward, i.e., development of protocols, criteria and benchmarks is needed; however, this approach appears to be a circumvention of the proper administrative procedures required for the rulemaking process. As such, there is no opportunity to evaluate cost/benefit and there is risk that subsequent OPS leadership could keep the target moving. Bottom line is the Rule must be revised to incorporate the intended minimum criteria, standards, etc.</p>	<p>14) The OQ ruling does not need to be changed. As much as there needs to be clear expectations of what the Rule needs to mean, you cannot legislate common sense or good engineering practice.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">OQ Audit Process</p>	<ul style="list-style-type: none"> <li>● Please describe the audit process that will occur between: Now and June 2003 (and) June 2003 and December 2005</li> <li>● What is the timeline on changes and what is the timeline for operator compliance from that point? Suggestions: Common Covered Tasks and Common Re-evaluation Periods</li> <li>● What benchmark are you going to use to investigate the effectiveness of a program?</li> <li>● Non-qualified Person: Time span with a qualified person? Number of non-qualified persons non-tested with a qualified position may violate ADA.</li> <li>● To decide scope of OQ, operators need much clearer definitions of where pipelines start and stop at gas plants, terminals, refineries, etc. (Where does DOT start/stop? Where does OSHA 1910 start/stop? Note: in-plant piping is constructed to ASME B31.3 and may not meet DOT regulations.)</li> <li>● Stacey made the comment that a number of incidents since 1987 have been the result of problems with personnel qualification, i.e., operator error. Can you provide statistical data to support this statement, as well as provide examples of the operator-performed duties that contributed to the incident?</li> <li>● During the inspection process, will operators request to see the actual written tests or field evaluations of employees?</li> <li>● Is it realistic to “eliminate” operator errors or should we focus on cost-effective ways to <u>reduce</u> operator errors? In other words, “achievable solutions?” “Standards” is a term of art at OPS meaning a regulation. Will we see an amendment to 49 CFR, i.e., the OQ Rule (805/505)?</li> <li>● Training of OPS auditors/inspectors for OQ and IMP need to have one of the focuses be the importance of pre-audit meeting and post-audit review. Pre-audit helps demystify process/expectations; post-audit helps to review. I’m sure this is part of the normal audit process, but it is very important <u>now</u>.</li> <li>● Does my OQ program need to contain aspects of our corporate strategic plan for training program development, quality assurance and quality control, and work management programs (or) refer to those aspects? OPS needs to CLEARLY define differences between qualification programs that are: (1) performance-based, (2) prescriptive-based, (3) criterion reference-based, etc., and the resultant OPS’ expectations (criteria) at inspection. (Gene Warnock, GRU, Gainesville Region, <a href="mailto:warnockge@gru.com">warnockge@gru.com</a>).</li> <li>● Has any thought been given to providing operators with information on what OPS found acceptable in the 3 operators’ plans? Did not learn much from Miller’s presentation.</li> <li>● Why has the “data gathering” information not been made available to operators until now? Audits are underway and this information would have been helpful to know and understand?</li> <li>● Will the new Congressional mandates issued December 17, 2002, translate into <u>new regulations</u> in Parts 192 and 195? If so, what is timeline? Will Part 192 Subpart N be revised as a result of the Pipeline Safety Act (enacted 12/17/02)?</li> </ul>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Definitions &amp; Offers to Help</p>	<ul style="list-style-type: none"> <li>● How is OPS’ interpretation of “pipeline facility” different for OQ than for other parts of 49 CFR Part 192?</li> <li>● I would offer PEPG as an excellent group to be involved in the process. With its 50/50 make-up of compliance and training/evaluators, it is the “employee performance group” that can help align OQ with the new requirements placed on OPS by Congress.</li> <li>● We need a very clear definition for several terms: AOC; new construction; pipeline facility; near miss; what is the task of excavation (operating equipment, sloping and shoring, locating lines, proximity to blasting, spacing); how to identify additional covered tasks that might contribute to an incident; influence pipeline integrity.</li> <li>● Offer to assist on “standards,” “guidelines,” and “criteria.” Kaye Hayes, Explorer Pipeline, (918) 493-5113, <a href="mailto:khayes@expl.com">khayes@expl.com</a></li> <li>● Volunteer: Bob Holter, (713) 774-4539, <a href="mailto:rbholter1@houston.rr.com">rbholter1@houston.rr.com</a></li> <li>● As an auditor of quality programs and compliance for state/federal requirements, I see some of the problems the operators have with the protocols is <u>not</u> understanding the process of auditing. With an outcome based regulation, you are doing a product audit. What NTSB wants is a process audit. <u>Please</u> get in touch with someone with the American Society for Quality (ASQ) or me to speak to them about information they have that will help you explain to operators what you are doing. I am both an operator rep and an auditor. (Mike Cusick, BP Exploration, Alaska, (907)563-2132), <a href="mailto:mcusick@hoefflernet.com">mcusick@hoefflernet.com</a>)</li> <li>● We can make available time during the MEA – ETN Industry Conference (New Orleans, April 1-3) for any OPS activities (i.e., informational updates, facilitated forums, problem solving, etc.) – (Don Szambelan, MEA, [952/832-9915 X103])</li> <li>● Abnormal Operations vs. Abnormal Operating Conditions: This is confusing and there appears to be an overlap. Please consolidate these two items.</li> <li>● New Construction: This definition should not be used for <u>repair</u>.</li> <li>● I am unclear on what details and definitions OPS expects to see for task specific AOs and AOCs. Please clarify?</li> <li>● Define: Accidents, mistakes, negligence under the OQ Plan. Can negligence be possible if worker performed or completed work as prescribed in OQ plan to company standards? What is a worker’s responsibility under the OQ Plan? Will specific corrective action be required in OQ Plans? Examples? (Jeff Owen, Local 32 Plumbers &amp; Pipefitters, Seattle, WA)</li> </ul>	

O&M vs. New Construction	<ul style="list-style-type: none"> <li>● Clarification of what is ROW – In Florida as an LDC, we install all of our mains in municipal, county or state easements owned by others; we have no right-of-ways, so are easements owned by others considered a ROWs?</li> <li>● If a regulator station is replaced due to corrosion and assembled offsite, do the people building the station have to be qualified under the term “replaced?”</li> <li>● Draft 5 - #1 – Distinction between O&amp;M and Construction – Last Line (To be consistent with the spirit and intent...) Leads one to believe you intend for meter shops (that test and recondition meters) and many other off-ROW duties that perform a function in industry, to be OQ'd because they are eventually intended to be part of our facilities.</li> </ul>
Protocols	<ul style="list-style-type: none"> <li>● Why not utilize a timeline review of protocols such as have been in place with the national building gas codes which are updated every 3<sup>rd</sup> year and printed on the 4<sup>th</sup>? The input gathered on the 3<sup>rd</sup> year is from a broad-based committee made up of regulators and industry.</li> <li>● If communication is important between the regulator and operator, then how did we get to the situation of protocols and FAQs that appear to have been prepared in a vacuum?</li> <li>● Need to have in place a method similar to what is in place with the various building codes including the national fuel gas code that is reviewed and potential changes made by the broad-based committee composed of regulators and the industry when finalized and printed on the 4<sup>th</sup> year. This has been a very viable option which has a strong historical success (with all parties having been served with input gathered). It is a good start! Use this method and get going!</li> <li>● How can protocols promote uniformity when there are no minimum requirements?</li> <li>● If we go to using protocols to define the Rule, what will the MOC process be so that each of us knows when these documents are changed or modified?</li> <li>● Concern that some of the protocols (i.e., emergency activities, specific AOCs) are <i>de facto</i> rulemaking beyond the Admin Procedures Act? (Lee Schoen, Alyeska Pipeline)</li> <li>● We need to know <u>exactly</u> the minimum that we need to demonstrate compliance. Our thought processes for how we developed our program should <u>not</u> be part of a compliance audit. We either comply or we don't.</li> <li>● Clearly the use of standards/jointly developed criteria would establish an understood, published, slowly evolving document for use by operators as a baseline for compliance. The ongoing use of protocols or any document which is not (a) consensus-based, or (b) notice and commented, puts the operator in a very difficult position of attempting to comply with moving and sometimes unknown interpretations.</li> <li>● The protocols include 2 or 3 acknowledgements that the protocols go beyond the requirements in the Rule. Those protocols, and any other such protocols, should be deleted. Since the regulation does not require “training” or “emergency response,” such requirements clearly go beyond the Rule. In addition, any “proactive approach” or any requirement in the protocols that are “in the spirit of the rule,” but that are not specifically required in the Rule, go beyond the Rule. “The spirit of the Rule” was in the spirit of a negotiated rulemaking, as noted in the Preamble of the Final Rule.</li> <li>● <b>Protocol 1.4</b> speaks to training requirements. My understanding of the OQ Rule does NOT speak to training. As an operator, I can demonstrate that our employees and contractors <u>have been evaluated</u> and <u>are qualified</u> to perform these covered tasks. Why is training a necessary (or recommended) component of an audit?</li> <li>● <b>Protocol 3.01</b> Asks whether the qualifications of individuals performing covered tasks can be verified “at the job site.” This is not a requirement of the Rule. Will the “job site” term be defined in this regard?</li> <li>● <b>Protocol 1.04</b> Assumes new hires are inexperienced. A new hire might be a subject matter expert.</li> <li>● <b>Protocol 1.04 #4</b> No idea what this means.</li> <li>● <b>Protocol 2.01</b> All tasks? Do you really want accounting tasks included?</li> <li>● <b>Protocol 2.02 #2</b> Implies each task/subtask can only have 1 acceptable method of qualification.</li> <li>● <b>Protocol 4.02</b> Protocol question is too complex.</li> <li>● <b>Protocol 5.01</b> Confusing...also appears to require evaluation even if CT performance not cause of accident.</li> <li>● <b>Protocol 8.01 #1</b> This time period will vary by CT and the extent of the change.</li> <li>● <b>Protocol 8.02</b> This “process” may be done per acquisition.</li> </ul>

Covered Tasks	<ul style="list-style-type: none"> <li>• Are those tasks related to odorization considered covered tasks</li> <li>• We (industry) need to have a standardized list of covered tasks.</li> <li>• Documentation of who performs tasks that might contribute to an incident goes way beyond just covered tasks. If you perform a root cause for an incident, often there are contributing factors that are not covered tasks and maintenance records would not show who performed each of these tasks. It is often found that actions taken 5+ years prior to the incident were contributing factors; therefore, it is very hard to determine retention times for these records.</li> <li>• You stated that “to be consistent with the spirit and intent of the Rule, maintenance or repair work performed on pieces of equipment that are intended to be part of the pipeline facility should be performed by qualified individuals,” and that tasks performed on ROWs are covered because the ROW is part of the pipeline facility. Are you considering the repair of equipment off the ROW a covered task (or) is the ROW considered the “line of demarcation?” The FR, 8/27/99, Vol. 64, No. 166A, says: “...an individual who works on a pipeline component that is physically connected to the pipeline system is performing work on a pipeline facility and may be subject to the Final Rule. However, a person who repairs a pipeline system or appurtenance that has been removed from the system would not be performing work on the pipeline, and therefore, would not be performing a covered task.” Therefore, if the component is removed and off the ROW, it is not a covered task.</li> <li>• It is difficult to explain how performing work on equipment off of the ROW is different from the same activity performed on equipment physically separated from the pipeline system, but on the ROW. <u>Neither should be covered.</u></li> <li>• Is installing a new pipeline in an existing ROW to increase capacity (basically line looping) a covered task?</li> <li>• Would OPS be willing to issue an approved covered task list that operators would use to select the tasks that they perform or contractors perform? (Craig Miller)</li> <li>• How do you address worker/supervisor protection? Example: Supervisor qualifies employee per company plan. Accident occurs. Whose performance of a CT contributed to an accident? Investigation finds the company’s plan is not adequate, which also contributed to the accident! Has anyone thought about the affect on supervisors and employees responsible for doing the work (i.e., discipline, corrective action, company’s responsibility)? (Jeff Owen, Training Coordinator, Local 32 Plumber &amp; Pipefitters, Seattle, WA)</li> <li>• Concern: SMEs from offshore diving community were not consulted on covered tasks. Many tasks are not performed the same way. Suggest inclusion of Association of Diving Contractors (ADC) input in revising or contributing. Many transmission lines have their origin begin offshore; let this organization help provide important input as there was a void in the underwater contractor involvement from the beginning.</li> </ul>
Red-Face Test	<ul style="list-style-type: none"> <li>• The red-face test can also be used internally, not just how the public views the Rule and implementation.</li> </ul>
Re-eval Intervals	<ul style="list-style-type: none"> <li>• Why doesn’t OPS compile information and data on re-evaluation intervals? The presumption is that the data exists; do we know in fact that it does? Be careful that your actions on OQ do not have unintended deleterious impact on overall safety. Many operators have a near miss program that creates incentives for personnel to report near misses without fear of penalty or consequence.</li> <li>• Why does OPS not consider the OSHA requalification intervals valid since these are valid for plant (chemical and refineries) operators?</li> <li>• All of the emphasis on re-evaluation intervals focused on a timed basis needs to be questioned. Timed basis intervals make sense for abilities that deteriorate over time (i.e., vision). Knowledge, skills (the resources available to these employees) will not deteriorate with time. It makes sense that performance of employees complying with the requirements can be spot</li> </ul>
Emergency Response	<ul style="list-style-type: none"> <li>• ER as a covered task should be limited to shutting down of a pipeline, monitoring of pressure flow, closing of valves, all of which are already covered tasks and recognize and react to the associated AOCs of the tasks. (Mark Smith, CITGO)</li> <li>• Emergency responders should not be hampered from doing what’s necessary to protect the public and the environment by OQ requirements. Emergency responders could be operator employees or others.</li> <li>• Cover the task, not the type of response. Response covers many different tasks...some that are not covered.</li> <li>• Do we test and qualify local fire department (volunteers)?</li> <li>• One of the findings by OPS is that some (or many) operators have included emergency response in their OQ program. OPS uses that to help support the idea behind including emergency response in OQ. While there are many synergies between emergency response and OQ, my company purposely left the two plans separate because if we combined the two, it would give regulators the false appearance that we feel emergency response should be part of OQ. We believe the two programs fall under two different regulation requirements.</li> <li>• Emergency Response should be excluded; otherwise, we set up a potential for increasing environmental damage, i.e., pending arrival of a qualified person to close a valve to isolate a line section. In this scenario, everyone loses. In emergencies, the “good Samaritan” approach should be encouraged.</li> </ul>
Excavation	<ul style="list-style-type: none"> <li>• Excavation/Boring: OPS needs to look at the 4-part test, one call systems (industry standard).</li> </ul>

Field Insp. Issues	<ul style="list-style-type: none"> <li>Will OQ requirements be covered in routine pipeline safety inspections? If so, how will the requirements be addressed? For example, will the protocols (or parts of the protocols) be used by field inspectors? How will these field inspectors be trained to handle OQ? The concern here is that operators are chasing multiple audits in the field with field employees who are not familiar with program fundamentals (like rationale for intervals, basis for approving a contractor's program, etc.).</li> </ul>
Evaluation Methods (KSAs)	<ul style="list-style-type: none"> <li>Agree with the point that jointly, OPS, industry and the public need to establish a minimum set of activities that are covered by the OQ Rule. This should include minimum KSAs for each individual task.</li> <li>Pertaining to acceptable evaluation methods, specifically, the item on physical capacity: I have concerns that this could lead to a variety of legal issues with relations to ADA lawsuits along with union problems. (John Doherty, Laclede Gas, St. Louis, MO)</li> <li>Specifically, focusing on physical abilities is off the mark. The provision to re-evaluate when qualification is suspect for any reason can cover these concerns; physical abilities could be listed in plans under this provision to cover it. There are other federal standards that focus on physical abilities: AOA, Safety reporting requirements, etc. The OQ Rule should have a broader focus. <ul style="list-style-type: none"> <li>K = Knowledge      Something you could find in a book or manual</li> <li>S = Skill      Something that is learned and improves with practice (e.g., welding)</li> <li>A = Ability      An inherent physical or mental capacity</li> </ul> When you measure skills, you are inherently measuring the physical abilities to perform the job sufficiently. Requiring specific physical tests (lifting, turning, twisting, pulling, etc.) is unnecessary. </li> <li>Evaluation Method: May violate ADA physicals (namely, eye exam)?</li> </ul>
Monitoring	<ul style="list-style-type: none"> <li>3 or 4 years? How often to you monitor your contractors (industry standards)?</li> </ul>
Small Operator / Contractor Issues	<ul style="list-style-type: none"> <li>For OQ to work with contract labor, the covered tasks and evaluation methods must be standardized. The logistics of evaluating contractor employees for several different companies is overwhelming as it is today.</li> <li>Which contractor associations have had input? Common method for qualification accepted across operators for all contractors, i.e., everyone accepts NCCER, Veriforce, MEA's Q41Q4All, Overnight Software, eWebOQ, etc. (Bob Wittkower, PO Box 5854, Round Rock, TX 78683)</li> <li>Will the evaluations done by contractors, according to the law, ever be accepted by all factions requiring records of qualifications? <ul style="list-style-type: none"> <li>Examples:      MEA – nationwide      NCCER – forced on contractors      Veriforce – nationwide</li> <li>Recordkeeping Systems:      MEA – OQ Plus</li> <li>ISNetWorld</li> </ul> The gap of acceptance between liquid companies and natural gas is huge, redundant and costly. From an emergency response standpoint for a contractor, this situation should be addressed in bid meetings, as contractors may not be (or should not be) covered in all aspects of the emergency. </li> <li>We have 15 operating companies we work with, and we have to do OQ 15 different ways. This is very difficult for contractors. Contractors need a standard...one standard, not 100 standards. This Rule has to be re-done.</li> </ul>
Associations / Consortium Plans	<ul style="list-style-type: none"> <li>Would OPS give its approval to consortium plans or plans recognized by API or ASME? This would simplify things for small operators and contractors.</li> <li>Many pipeline inspection contractors are choosing to create their own tests instead of utilizing NCCER. There is no standard for which these tests are developed. In many cases, these "tests" are mailed, emailed or faxed or simply given to the individual. No one oversees the testing process in many cases, and the individual is allowed to take it without being monitored. This is not a <u>valid</u> method for qualifying a person.</li> </ul>
Training	<ul style="list-style-type: none"> <li>What is appropriate needs to be clarified.</li> <li>Why is industry afraid to mention training now and in future as a means to qualification and requalification in the future?</li> </ul>

NARI	<ul style="list-style-type: none"> <li>● Will all states use NARI? Do they have to?</li> <li>● Unbelievably, as of 1:37 p.m., the term “near miss” has appeared in the session at least 6 times. As a very simple example of operator uncertainty, the very use of “near miss” as a term without a definition stifles creativity and discussion, and subsequently solutions and compliance. Operators have no opportunity to comply without clear definitions; hence, the need for poor enforcement ideas like “NARIs.”</li> <li>● NARI: Outside the regulations, not defined, avoid due process, and provides no obvious recourse or protection to the operators. Use only after they have been established through rulemaking process, with comment period and due process for operators.</li> <li>● Is the NARI the OPS’ means to prove they are getting tough on industry for the purpose of a score card without having to be based on regulatory requirements? (Regulatory process requiring a cost benefit: How will the additional costs for the NARIs raising the bar be factored into the process?)</li> <li>● Documentation of “near misses” poses a legal problem and could adversely impact the company should it be involved in a lawsuit, i.e., wouldn’t operators risk being punished for doing right by documenting “near misses?”</li> <li>● “Areas” strongly implies that not only will the operator have a DOT-defined compliance issue, but that the operator will have multiple compliance issues.</li> <li>● NARIs are outside the bounds of Part 190 and, therefore, have no regulatory authority. If an operator receives a NARI, it places the operator at significant public and legal risk, <u>without due process</u>. Furthermore, it is stated that the purpose of NARIs could change, placing operators in unacceptable positions of ongoing uncertainty. NOAs and NOPVs have been effective in the past and should not be diminished for political reasons (easy solutions for DOT does not equal fairness for operators).</li> <li>● NARIs are a symptom of the poor implementation of the OQ Rule. Either operators are in compliance or they are not. The existing Part 190 properly addresses this and supplies the operator with legal due process. A continuing dialogue on potential non-compliance issues could address, and be a solution in place of, NARIs.</li> <li>● Add another response to the inspection process that lets the operator know how they are doing and where they are in relation to the Rule that is not an enforcement tool, i.e., you are currently only offering bad grades (I take NARI as a bad grade). Let the operator know where they are doing well and where new ideas and information can be found to aid their program.</li> <li>● How is “NARI” different from the “LOC?”</li> </ul>
OQ & Budget Concerns	<ul style="list-style-type: none"> <li>● For consideration: With smaller companies, OQ has stretched resources and 2003 should have been a year that we could regroup and catch up with “back burner” items. With this “OQ2) change and the December 2003 deadline, this time will be taken away. I have concerns about other safety and training related items that are being let go to fulfill these changes that may all later be swept away as were many of the initial OQ items.</li> </ul>
Meeting Notices & General Comments	<ul style="list-style-type: none"> <li>● Need to know when future public meetings will be held on protocol development? (Bob Wittkower, PO Box 5854, Round Rock, TX 78683)</li> <li>● The Rule is needed. Actually see it as positive tool; we feel our plan and implementation sets an industry standard. Rule becomes more critical as operating companies reduce experienced workforce (whether by merger, acquisition, etc.) and downgrade maintenance operations. The highly visible and publicized incidents of the not-too-distant past will be replicated at all levels of the industry, i.e., pipeline, storage fields and distribution systems, either because of system deterioration or operator ineptitude.</li> <li>● Can the PowerPoint presentation this morning on the 16 site visits be made available perhaps on Web site?</li> <li>● Thanks to all participants – government, contractors – for showing good stewardship of our natural resources. I am very surprised that more of the public and the press aren’t here. How was this advertised? (Nina Aguilar, tree-hugger from Colorado)</li> </ul>